

Message Text

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TO AMEMBASSY NIAMEY

C O N F I D E N T I A L STATE 145444

E.O. 11652: GDS

TAGS: SHUM, NI

SUBJECT:HUMAN RIGHTS - NIGER ACTION PLAN

REF: STATE 139160

1. THE GEOGRAPHIC BUREAUS HAVE BEEN TASKED TO PREPARE HUMAN RIGHTS EVALUATION REPORTS INCLUDING AN ASSESSMENT OF THE CURRENT CONDITION OF HUMAN RIGHTS IN EACH COUNTRY AND THE PROPOSED OBJECTIVES AND RECOMMENDATIONS FOR IMPROVING THOSE CONDITIONS. GUIDELINES AND FORMAT INCLUDED IN REFTEL.

2. THIS CABLE TRANSMITS THE DESK'S DRAFT REPORT FOR YOUR COMMENTS. YOUR RESPONSE IS REQUESTED BY JUNE 28 SO THAT THE BUREAU CAN MEET THE SUBMISSION DATE OF JULY 1. SLUG REPLY CABLE FOR AF DISTRIBUTION ONLY.

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3. THE INFORMATION CONTAINED IN THE COUNTRY EVALUATION WILL BE CLASSIFIED IN ACCORDANCE WITH EXECUTIVE ORDER 11652. REPORTS WILL BE USED AS SOURCE MATERIAL FOR THE PREPARATION OF ANNUAL HUMAN RIGHTS REPORTS ON ALL COUNTRIES WHICH ARE RECIPIENTS OF US SECURITY ASSISTANCE,

AND WILL BE SUBMITTED TO THE DEPARTMENT'S HUMAN RIGHTS

COORDINATING COMMITTEE, CHAIRED BY THE DEPUTY SECRETARY.

4. A. CONDITION OF HUMAN RIGHTS IN NIGER.

THE CURRENT REGIME WHICH SEIZED POWER IN APRIL 1974 SUSPENDED THE CONSTITUTION OF 1960 AND RULES BY DECREE. THUS, IN THEORY, THE GOVERNMENT'S POWER TO INFRINGE UPON HUMAN RIGHTS IS NOT BOUND BY STATUTE. TO DATE INFRACTIONS OF HUMAN RIGHTS DIRECTLY ATTRIBUTABLE TO THE EXTRA-LEGAL STATUS OF THE PRESENT REGIME HAVE NOT BEEN NUMEROUS. THE GOVERNMENT PLEDGED TO IMPROVE THE RECORD OF THE PREVIOUS REGIME IN THE AREAS OF GOVERNMENT CORRUPTION AND WELFARE OF THE POPULATION.

(1) RESPECT FOR INTEGRITY OF THE PERSON.

THE INTEGRITY OF THE PERSON IN PARTICULAR THE RIGHT TO LIFE, LIBERTY AND SECURITY OF THE PERSON, IS NOT SPECIFICALLY GUARANTEED BY LAW IN NIGER, BUT REPORTED INFRINGEMENTS HAVE BEEN RARE.

ALTHOUGH THERE HAVE BEEN NO REPORTS OF TORTURE, CRUEL, AND INHUMAN OR DEGRADING TREATMENT IN RECENT YEARS, INCIDENTS OF ARREST AND IMPRISONMENT WITHOUT DUE PROCESS DO OCCUR IN NIGER, ESPECIALLY SEVERAL CASES INVOLVING MEMBERS OF THE PREVIOUS REGIME. THERE IS ONLY LIMITED

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ACCESS TO THE JUDICIAL PROCESS FOR REMEDIES IN CASES INVOLVING VIOLATIONS OF FUNDAMENTAL RIGHTS. THE RIGHT TO A FAIR PUBLIC HEARING AND TRIAL IS GENERALLY OBSERVED IN CRIMINAL AND CIVIL CASES NOT INVOLVING POLITICAL ACTS. SEVERAL PLOTTERS EXECUTED IN CONNECTION WITH A MARCH, 1976 ATTEMPTED COUP WERE GIVEN A FULL AND FAIR TRIAL. COURTS DEALING WITH ECONOMIC AND SOCIAL QUESTIONS ARE GENERALLY FREE FROM NOTICEABLE POLITICAL INFLUENCES OR PRESSURES.

(2) RESPECT FOR CIVIL AND POLITICAL LIBERTIES.

SEEN IN WESTERN TERMS POLITICAL DISSENT AND FREEDOM OF EXPRESSION ARE RESTRICTED IN NIGER. THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS IS LIMITED IN NIGER TO THE GOVERNING MILITARY LEADERS. DISSENT IS RARELY VOICED OPENLY. SOME FORMS OF VOLUNTARY ASSOCIATIONS AND EXPRESSIONS SUCH AS TRADE UNIONS, CHURCHES AND RELIGIOUS GROUPS ARE, HOWEVER, GENERALLY PERMITTED.

(3) RECENT TRENDS IN GOVERNMENTAL POLICIES RELATING TO

THE FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER, HEALTH

CARE, AND EDUCATION.

THE GOVERNMENT OF NIGER IN COOPERATION WITH FOREIGN ASSISTANCE DONORS IS AN ACTIVE PARTICIPANT IN NIGER'S ECONOMIC AND SOCIAL DEVELOPMENT. AS A MEMBER OF THE CLUB DES AMIS DU SAHEL, THE GOVERNMENT OF NIGER HAS PUBLICLY COMMITTED ITSELF TO IMPROVING THE STANDARDS OF LIVING OF ITS CITIZENS BY RAISING PER CAPITA INCOME, PROMOTING DEVELOPMENT OF THE AGRICULTURAL SECTOR AND IMPROVING SOCIAL SERVICES AND EDUCATION PROGRAMS AND PROMOTING EMPLOYMENT.

(4)A.THE GOVERNMENT'S RESPONSIBILITY FOR THE FOREGOING HUMAN RIGHTS RECORD.
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IT IS LIKELY THAT THE CURRENT GOVERNMENT BELIEVES ITS HUMAN RIGHTS RECORD IS NO WORSE THAN THAT OF THE PREVIOUS REGIME WHEN THE 1960 FRENCH INSPIRED CONSTITUTION WAS IN FULL FORCE. INDICATIONS ARE THAT THE GOVERNMENT OF NIGER TAKES THE ATTITUDE THAT TO INSURE THE COUNTRY'S CURRENT STABILITY, CERTAIN PUBLIC RIGHTS AND CIVIL LIBERTIES MUST BE FORFEITED. NEVERTHELESS, ECONOMIC AND SOCIAL RIGHTS IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS ARE ADEQUATELY RESPECTED GIVEN THE POVERTY OF THE COUNTRY AND THE FACT THAT MOSLEM LAW GOVERNS A LARGE PART OF EVERYDAY LIFE IN NIGER.

B. THERE ARE NO INDICATIONS THAT PROPOSALS FOR OUTSIDE INVESTIGATION OF ALLEGED HUMAN RIGHTS VIOLATIONS HAVE BEEN MADE WITH REGARD TO NIGER. IT IS NOT CERTAIN THAT THE GOVERNMENT OF NIGER WOULD BE WILLING TO ACCEPT ANY SUCH PROPOSALS EVEN IF LEGITIMATE CONCERNS WERE TO BE EXPRESSED.

5. B. ANALYSIS AND RECOMMENDATIONS.

(1) LEGITIMATE OBJECTIVES OVER THE NEXT THREE, SIX AND TWELVE MONTHS IN RELATION TO IMPROVING CONDITIONS IN NIGER TO ABOVE CATEGORIES A 1, 2, AND 3.

QUIET DIPLOMACY IS PROBABLY THE MOST EFFECTIVE MEANS THE USG HAS TO INFLUENCE NIGER'S HUMAN RIGHTS RECORD. OUR OBJECTIVE IN THE NEAR AND MID-TERM FUTURE SHOULD BE TO ENCOURAGE A REDUCTION OF POLITICAL RESTRICTIONS ON INDIVIDUAL RIGHTS. WE SHOULD EXPRESS TO NIGERIEN OFFICIALS AT THE HIGHEST LEVEL THE IMPORTANCE OF HUMAN RIGHTS IN THE FORMULATION OF OUR BILATERAL POLICY. WE SHOULD ALSO CONTINUE THE CURRENT PRACTICE OF REPORTING
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US GOVERNMENT HUMAN RIGHTS CONCERNS AND PROPOSALS FULLY
AND DIRECTLY TO THE HIGHEST LEVEL OF NIGER'S GOVERNMENT.

(2) PRINCIPAL REACTIONS.

A LOW KEY APPROACH AS OUTLINED ABOVE IS NOT EXPECTED TO
GENERATE AN UNFAVORABLE REACTION FROM THE GON BUT SHOULD
SERVE TO INDICATE TO NIGER OUR INTEREST IN THEIR POLITICAL
DEVELOPMENT.

(3) IMPLICATIONS.

IT IS NOT LIKELY THAT OUR POLICY WOULD PRODUCE ANY NEGATIVE
CHANGES IN THE GOVERNMENT OF NIGER'S HUMAN RIGHTS POSITION.
IN FACT OUR POLICY INITIATIVES MIGHT CAUSE A FAVORABLE
CHANGE IN NIGER'S HUMAN RIGHTS SITUATION. CHRISTOPHER

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